IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 9876 of 2005

Between:

M/s.Sri Venkata Subramanyeswara Raw and Boiled Rice Mill,

Velangi, Karapa Mandal, East Godavari District
a partnership firm rep., by its Managing Partner,

Mr.Chundru Bhavani Shankar Rao.

..... PETITIONER

AND

1 The Commissioner for Workmen Compensation

and Deputy Commissioner of Labour, Eluru, W.G.District.
2 Smt.Chinta Atchayamma, W/o Chinta Ramarao,

R/o Kothuru Village, Karapa Mandal, E.G.District.
3 Mr.Chinta Sathibabu, s/o late Chinta Ramarao,

R/o Kothuru Village, Karapa Mandal, East Godavari Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction or one in the nature of Writ of Mandamus declaring action of the 1st respondent in not recording the full and final settlement pursuant to the application filed by the respondents 2 and 3 on 13-11-2003 and directing the petitioner to deposit a sum of Rs.1,23,187/- within 7 days as arbitrary, illegal, contrary to the provisions of the Workmen's compensation Act, violative of principles of natural justice and consequently direct the 1st respondent to refund the amount deposited by the petitioner pursuant to an interim order of this Hon'ble Court dated 01-10-2003 made in CMP No.22503 of 2003 in CRP No.5063 of 2003 and pass such other order or orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner :Mr.C.V.R.RUDRA PRASAD
Counsel for the Respondent No.1 : GP FOR LABOUR

The Court at the stage of admission made the following :

ORDER:

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In not recording the full and final settlement pursuant to the application filed by the respondents 2 and 3 on
13-11-2003 and directing the petitioner to deposit a sum of Rs.1,23,187/- within 7 days being arbitrary and illegal the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

Without there being an opportunity, the learned Workman Compensation Court gave a finding. It is observed by the learned Commissioner for Workmen's Compensation that thumb impressions of the beneficiaries were affixed. An enquiry reveals that thumb impressions were obtained without paying any amount to the beneficiaries. Hence that observation is quashed with a liberty to the petitioner to avail all the remedies available to him under law. It is made clear that the petitioner is bound to deposit the amount of Rs.1,23,187/- by way of Demand Draft as ordered by the Commissioner for Workmen's Compensation.

The writ petition is accordingly disposed of. No costs.

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K.C.BHANU, J.

Dated: 27..04..2005.

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1 The Commissioner for Workmen Compensation

and Deputy Commissioner of Labour,

Eluru, W.G.District.

2. Two CCs to GP for Labour,

A.P.High Court Buildings, Hyderabad.(OUT)

3. Two CD copies.